

REMARKS/ARGUMENTS

Claims 13-18 are pending in this application. By this Amendment, claims 13, 15 and 17 are amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); and/or (3) place the application in better form for appeal (if necessary). Entry is thus requested.

A. Claims 13-18 stand rejected 35 U.S.C. §103(a) over U.S. Patent No. 6,236,395 to Sezan et al. (hereafter 'Sezan') and U.S. Patent No. 6,236,395 to 6,345,274 to Zhu. The rejections are respectfully traversed because the references, individually or in combination, fail to disclose or suggest all the features of these claims.

Embodiments of the present invention can provide a browsing criteria by incorporating a browsing preference information in the user preference information, wherein the browsing preference information includes at least one browsing criterion,

which may be differently described according to a type of multimedia contents, and a preference value indicating relative priority or weight assigned to each browsing criterion.

The Patent Office bears the initial burden of proving a prima facie conclusion of obviousness. MPEP § 2142. The required elements of proof are: 1) a suggestion or motivation to modify or combine references, 2) a reasonable expectation of success, and 3) the references must teach or suggest all the claim limitations. MPEP § 2143.

The Federal Circuit has held that there must be a clear and particular suggestion in the prior art to combine the teachings of the cited references in the manner proposed by the Examiner. As explained by the Federal Circuit, “[o]ur case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.” See *In re Dembiczak* 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

With respect to claim 13, the Office Action admits that Sezan does not disclose the browsing preference information includes at least one browsing criterion, which may be differently described according to a type of multimedia contents, and a preference value indicating relative priority or weight assigned to each browsing criterion. With respect to claim 15, the Office Action admits that Sezan does not disclose a preference value

indicating relative priority or weight is assigned to each of the plurality of summary preferences. However, the Office Action attempt to cure the deficiency by citing Zhu, which is allegedly in the same field of multimedia content and retrieval, asserting that Zhu discloses such features including the use of weight value in a description scheme. Further, the Office Action asserts that it would be obvious to incorporate them into the “user preferred application description scheme” in Sezan. In the present case, Applicants submit that there is no suggestion or motivation to modify Sezan with the disclosure of Zhu.

In particular, Applicants point out that Sezan specifically teaches an audiovisual information management system. In fact, Sezan provides an improvement over the related art because the audiovisual information presented to a particular user should be in a format and include content suited to their particular viewing preferences. In addition, the format should be dependent on the content of the particular audiovisual information. See column 3, lines 17-30 of Sezan. Sezan achieves this improvement over the related art by providing a separate description scheme describing the program(s) 10, the user 14, and the system 12, the three portions (program, user, and system) may be combined together to provide an interactivity not previously achievable. See column 3, lines 17-30 of Sezan.

Zhu, on the other hand, is not concerned with and does not disclose user, program, or system description schemes. Zhu merely mentions an image description

scheme in the "Background of the Invention" section. See column 2, lines 15-19 of Zhu. Rather, Zhu is concerned with subjective image content similarity-based image retrieval. See title and column 1, lines 30-35 of Zhu. Zhu's improvement is to automatically develop a weight w_i reflecting the relative importance for each feature F_i in an overall image similarity decision between image I and image J without first processing a query. See column 2, lines 37-43 and column 3, lines 15-22 of Zhu. The weights w_i are developed from examples and counterexamples because relative importance of features such as color, texture, structure, and composition for processing an image retrieval query do not intuitively correlate to a user interpretation. See column 2, lines 4-12, column 6, lines 8-35, column 8, lines 52-59 and claim 1 of Zhu. Thus, Applicants respectfully submit that the Office Action mischaracterizes Zhu because its disclosure of weights is for determining a similarity measure between images.

In addition, Applicants respectfully submit that Sezan does not even mention "weight(s)." See column 21, line 30 to column 24, line 10 of Sezan. Further, Zhu does not even mention a user description scheme, program description scheme, or system description scheme.

As such, there is no suggestion to modify Sezan, let alone a user description scheme in Sezan, with the weight w_i reflecting the relative importance for each feature F_i

in the overall image similarity decision between image I and image J because in Sezan a user description scheme is not concerned with ranking image similarity. Further, Applicants respectfully submit that the Office Action does not assert that Zhu discloses or suggests "weights" should be added to each of the user description scheme, program description scheme, or system description scheme, a combination thereof or all description schemes or that Zhu provides suggestions for modifications needed to handle the added possible interactions between the modified description schemes. Indeed, only through hindsight using Applicants' disclosure would one even attempt to combine the references, which is improper. Thus, Applicants respectfully submit that since the Office has not shown the combination of the references would be obvious, the § 103(a) rejection should be withdrawn.

(2) However, Applicants respectfully submit that Sezan and Zhu, even if combined, do not teach or suggest at least features of incorporating a browsing preference information in the user preference information, wherein the browsing preference information includes at least one browsing criterion, which may be differently described according to a type of multimedia contents, and a preference value indicating relative priority or weight assigned to each browsing criterion and combinations thereof as recited in claim 13.

Applicants respectfully submit that Sezan may show browsing information that shows some contents in different ways as selected by a user. However, Applicants respectfully submit that Sezan does not disclose or suggest a case of a plurality of browsing information assigned to each category or user preferences. In contrast, an embodiment of the present invention shows a case where a plurality of browsing information assigned to each type of multimedia, where a priority is provided to select the proper browsing criteria. Thus, Applicants respectfully submit that Sezan does not teach or suggest at least features of incorporating a browsing preference information in the user preference information, wherein the browsing preference information includes at least one browsing criterion, which may be differently described according to a type of multimedia contents, and a preference value indicating relative priority or weight assigned to each browsing criterion and combinations thereof as recited in claim 13. Zhu does not teach or suggest such features lacking from Sezan.

Further, Applicants respectfully submit that a weight w_i in Zhu is a combined or relative importance of the features such as color, texture, structure, and composition, for processing a query where the weights for all features are used to calculate an image similarity, which is used for ranking images. In contrast, Applicants respectfully submit that a preference value indicating relative priority or weight is assigned to each browsing

criterion recited in claim 13 can be used to select one browsing criterion, which is the most proper one and may have the highest priority. As described above, Sezan does not mention weight(s) and does not teach or suggest such features lacking from Zhu. Thus, Applicants respectfully submit that Sezan and Zhu, individually or in combination, would not result in at least features of incorporating and combinations thereof recited in claim 13.

With respect to claim 15, Applicants again respectfully submit that Sezan may show browsing information that shows some contents in different ways as selected by a user. However, Applicants respectfully submit that Sezan does not disclose or suggest a case of describing a plurality of summary preferences based on a type of multimedia contents, wherein a preference value indicating relative priority or weight for directly selecting one of the plurality of summary preferences is assigned to each of the plurality of summary preferences and combinations thereof. In contrast, an embodiment of the present invention shows a case where differing pluralities of summary preferences can be differently assigned to corresponding types of multimedia, where a relative priority is assigned to each summary preference to select one summary preference. Thus, Applicants respectfully submit that Sezan does not teach or suggest at least features of describing a plurality of summary preferences based on a type of multimedia contents, wherein a

preference value indicating relative priority or weight is assigned to each of the plurality of summary preferences and combinations thereof as recited in claim 15. Zhu does not teach or suggest such features lacking from Sezan. Thus, Applicants respectfully submit that Sezan and Zhu, individually or in combination, would not result in at least features of describing and combinations thereof recited in claim 15.

(3) For at least the reasons set forth above, Applicant respectfully submits that independent claims 13 and 15 define patentable subject matter. Independent claim 17 defines patentable subject matter for at least reasons similar to claims 13 and 15. Claims 14, 16 and 18 respectively depend from claims 13, 15 and 17, and therefore also define patentable subject matter for at least that reason as well as their additionally recited features. Withdrawal of the rejections of claims 13-18 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carl Wesolowski, at the telephone number listed below.

Serial No. 09/667,072
Reply to Office Action of January 26, 2005

Docket No. P-0128

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carl R. Wesolowski
Registration No. 40,372

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK/CRW:jld
Date: June 15, 2005

Please direct all correspondence to Customer Number 34610